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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,722	02/25/2002	Frederic Gaviot	PHFR 010020	8254
24737 7590 10/09/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER HOSSAIN, FARZANA E	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 10/09/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/084,722

Applicant(s)

GAVIOT ET AL.

Examiner

Farzana E. Hossain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/21/2007 has been entered.

### ***Response to Amendment***

2. This office action is in response to communications filed 08/21/2007. Claims 1-3, 7 and 8 are amended. Claims 4-6 are original.

### ***Response to Arguments***

3. Applicant's arguments filed 08/21/2007 have been fully considered but they are not persuasive.

Regarding Claims 1-4 and 6-8, the applicant argues that Eyer does not teach the limitation of the claims including "generating an information signal containing an input program comprising at least one particular event, and control information (Page 8). The

applicant further argues that only paying users will be provided with data which indicates access points and non paying users are not provided with access points (Page 9). The applicant argues that the same information signal is sent to all users and that in order to take advantage the device uses the control information to activate the desired features (Page 9).

In response to the argument, Eyer discloses sending the input program comprising control stream or control data and a particular event and the control stream can be encrypted so that non paying subscribers do not have access to it (Column 2, lines 11-35, Column 4, lines 11-34). Eyer discloses multiplexing all data streams including one or more control streams (Figure 1, 130, 120, Column 4, lines 11-34, Column 5, lines 56-65). Eyer discloses that the pay control stream and free control stream are sent in parallel and that the paying subscribers decrypt the pay stream to be able skip advertisements (Column 17, lines 13-21). Therefore, the same information signal is transmitted to all subscribers and only paying subscribers have access to the pay control stream which allows for users to skip or fast forward through programs and the free control stream is used by the non paying subscribers (Column 4, lines 14-16, Column 6, lines 58-61, Column 17, lines 13-21). The claim limitations do not preclude from having two control streams.

4. Regarding Claim 5, the applicant argues that Eyer does not render Claim 5 obvious (Page 10).

In response to the argument, see response to arguments of Claim 1. Rejection maintained.

***Claim Objections***

5. Claims 1-8 are objected to because of the following informalities: Claims 1, 7 and 8 recite "an information signal comprising at least one particular event, and control information."

1) The office assumes "one particular event, and control information" to be --one particular event and control information--.

2) The section that the applicant referenced in the applicant's specification discloses subscription choices. Upon further reading from pages 19 to 22 of the specification, there is disclosure of validation signals or control information. It is also not disputed that a particular event is provided to the user. The examiner requests that the applicant point to the section that discloses an information signal containing an input program comprising at least one particular program.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-4, 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Eyer et al (US 6,588,015 and hereafter referred to as "Eyer").

Regarding Claims 1, 7, and 8, Eyer teaches a method of subscription to a service in respect of a processing of an input program comprising at least one particular event such as commercials or advertisement, songs, tracks, scheduled programming, i.e., TV shows), the method comprises the steps, implemented by a service provider:

generating an information signal containing an input program comprising at least one particular event and control information (Column 2, lines 12-35, Column 4, lines 22-35, Column 16, lines 4-12) configurable by a provider of the information signal (Figure 1);

offering various subscriptions (service classes - Table 1, Column 18) to a user who is to make a choice of subscription (Column 16, lines 23-32, Column 17, lines 13-16) and who is furnished with a device or program receiver for radio or TV (Figure 2, 200) comprising means of selection of the particular event or the user selects the particular program selection they want from the track, programming stream, commercial (Column 4, lines 11-20; Column 7, lines 1-5, 16-18, 50) which can be configured on the basis of the chosen subscription (Figure 10; Column 15, lines 59-65, Column 16, lines 23-42, Column 17, lines 13-21) and are suitable for providing an output program

comprising or not comprising the particular event according to the chosen subscription in dependence on the control information or a person with subscription to a premium service can control what content is output and what content is not output or with the correct subscription commercials can be selected to play or not play by the user automatically based on the control data (Column 2, lines 12-35, Column 4, lines 22-35, Column 16, lines 4-12, 37-45; service class 1, Table 1, Column 18, line 54- Column 19, line 22)

validating (access-controlling and determining whether the user paid for the subscription service or not and what tier of service is enabled) the user's choice of subscription, which triggers a step of configuring the means of selection (Column 16, lines 29-34; Column 17, lines 13-20; Column 5, lines 61-67).

Regarding Claim 2, Eyer discloses all the limitations of Claim 1. Eyer discloses that the control information contains a table of events (control data comprises list of received programming and programming information), the means of selection being suitable for selecting a particular event on the basis of an event status value in the table (Column 6, lines 1-7, lines 30-32, Column 2, lines 24-27, lines 32-35, Column 4, lines 25-26; Column 6, lines 50-61).

Regarding Claim 3, Eyer discloses all the limitations of Claim 1. Eyer discloses the device comprises means of accelerated reading of a recorded program; and means of deactivation for deactivating the accelerated reading means (fast-forwarding) of a recorded (buffered) program during the particular event in respect of a specified subscription (fast-forwarding of events such as commercials is disabled if the user does

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not have the proper subscription level based on the control data (Column 6, lines 56-61; Column 7, lines 50, 59-60; Column 16, lines 38-44; Column 16, lines 52-55; service class 2 - Column 19, lines 23-30).

Regarding claim 4, Eyer discloses all the limitations of Claim 1. Eyer discloses the particular event contains at least one advertisement (Column 16, lines 52-55).

Regarding claim 6, Eyer discloses all the limitations of Claim 1. Eyer discloses the validating step is implemented by the service provider by sending the device a signal characteristic of the chosen subscription, the signal being suitable for configuring the means of selection as a function of the chosen Subscription (the service provider sends access control data/information which enables the device/decoder to detect what access the user has to control the received programming presentation in accordance with the service tier subscribed; Column 17, lines 13-21; Column 6, lines 55-61; Column 5, lines 57-67).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer in view of Applicant's admission of fact.



Regarding claim 5, Eyer discloses all the limitations of Claim 1. Eyer discloses the choice of the subscription is made by selecting one subscription from among several subscriptions offered (table 1, Column 18, lines 49-co1. 19, line 55) and further teaches a graphical interface 262 - Figure 2 linked to the receiver/device 200; Column 7, lines 25-28) and filtering content according to user input preferences Column 19, line 63-co1.20, line 17). However, Eyer fails to specifically disclose "on a graphics interface".

Applicant's admission of fact provides evidence to include use of graphical interfaces to enable user's to select subscriptions offered and filter content is accordance with user preference. (As evidenced by Serena US 2006/0031415, Figure 6; 610, Figure 7; Page 4, paragraphs 0047-0048).

It would have been obvious to one of ordinary skill at the time of the applicant's invention to modify the system of Eyer to include on a graphics interfaces for the advantage of enabling request for a higher tier of service to be made the user easily and quickly which increases the user's satisfaction of the product which will also generate increased revenue for the service providers.


### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 7:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH  
September 18, 2007

  
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